

REMARKS

In the Office Action, the Examiner rejected claims 1-7 and 13-24 and objected to claims 8-12 and 25-27. The Examiner further indicated the restriction requirement regarding claims 40-43 has been withdrawn. By this Response, Applicants have added claims 48-52 and reinstated claims 40-43 that were previously withdrawn. Applicants have canceled claim 25 and amended claims 1-24 and 26-43.

Amendments to the claims include those in accordance with the Examiner's comments as well as amendments to improve the readability of the claims (such as replacing "said" with "the" and removing "further"). Applicants also note that claims 35 and 36 have been amended to remove the method step of "placing a probe housing proximal to said tissue location." Applicants believe that these claims are presently in allowable form, as the changes merely remove one preliminary step while retaining the method steps performed by a single entity.

Upon entry of these amendments, claims 1-24, 26-43 and 48-52 remain pending and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully requests reconsideration and allowance of all pending claims.

Claim Objections

In the Office Action, the Examiner objected to claims 29 and 37 because "Line 6 of both Claims 29 and 37 contain three square symbols that appear to be in error. Appropriate correction is required." Office Action, page 3. Applicants apologize for this minor typographical error and correction has been made. In view of these amendments, Applicants request the objection to claims 29 and 37 be withdrawn and placed in condition for allowance.

Claim Rejections under 35 USC § 102

In the Office Action, the Examiner rejected claims 1-6 and 13-24 under 35 U.S.C. § 102(e) as being anticipated by Wenzel et al. (U.S. Patent No. 6,442,408, hereafter referred to as “the Wenzel reference”).

Although Applicants do not necessarily agree with the Examiner’s rejections, Applicants have elected to place the Application in condition for allowance by amending and canceling claims. Specifically, Applicants have amended independent claim 1 to include limitations of claim 25 indicated by the Examiner as being allowable if rewritten in independent form with the limitations of the base claim, as discussed in greater detail below. In making the amendments, however, Applicants reserve the right to pursue the original claims in a continuation application. In view of the amendments, Applicants assert that the rejected claims are now in condition for allowance, and request that the rejection be withdrawn.

Claim Rejection Under 35 USC § 103

In the Office Action, the Examiner rejected claim 7 under 35 U.S.C. § 103(a) as being unpatentable over the Wenzel reference as applied to claim 1 above, and further in view of Yamanishi (U.S. Patent No. 5,933,226, hereafter referred to as “the Yamanishi reference”). In order to place the Application in condition for allowance, independent claim 1 has been amended. As such, the rejection of dependent claim 7 is rendered moot. In amending claim 1, however, Applicants reserve the right to pursue the original claims in a continuation application.

Allowable Subject Matter

In the Office Action, the Examiner indicated claims 8-12 and 25-27 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The Examiner also indicated claims 28-43 as allowed. Applicants would like to thank the Examiner for indicating the allowability and potential allowability of the referenced claims.

As mentioned previously, Applicants have elected to place the Application in condition for allowance and, as such, have rewritten claims 8-12 and 26 in independent form to include the limitations of each of claim and their respective base claims. Accordingly, Applicants respectfully assert that claims 8-12 and 26 are in condition for allowance, as well as all claims depending therefrom. Therefore, Applicants respectfully request allowance of independent claims 8-12 and 26, as well as all claims depending therefrom.

Further, Applicants recognize the Examiner's statements for indication of the allowable subject matter and would also like to note that additional reasons for allowing the claimed subject matter may exist. Applicants would also note that the present claims are allowable for the inclusion of a mechanism configured to mechanically induce a pulse and a mechanism configured to mechanically minimize the pressure, as recited by claims 9 and 10, respectively.

General Authorization for Extensions of Time

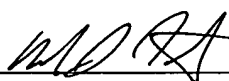
In accordance with 37 C.F.R. § 1.136, Applicants hereby provide a general authorization to treat this and any future reply requiring an extension of time as incorporating a request therefor. Furthermore, pursuant to this Response, Applicants have added six independent claims and a total four additional claims. Payment of the requisite fee of **\$1000** for the additional claims is to be charged to the attached form PTO-2038.

Conclusion

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes that a telephonic interview will help speed this application toward issuance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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